

Henry C. Su (SBN 211202)
 suh@howrey.com
 Katharine L. Altemus (SBN 227080)
 altemusk@howrey.com
 HOWREY LLP
 1950 University Avenue, 4th Floor
 East Palo Alto, California 94303
 Telephone: (650) 798-3500
 Facsimile: (650) 798-3600

Robert Ruyak
 Matthew Wolf
 Marc Cohn
 HOWREY LLP
 1299 Pennsylvania Avenue, NW
 Washington, DC 20004
 Telephone: (202) 783-0800
 Facsimile: (202) 383-6610

E-FILED - 10/14/08

Attorneys for Plaintiffs
 HOLOGIC, INC., CYTYC CORPORATION
 and HOLOGIC LP

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
 and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

Case No. C08 00133 RMW (RS)

**☐ ORDER GRANTING
 PLAINTIFFS PERMISSION TO BRING
 ELECTRONIC EQUIPMENT AND
 EXEMPLAR MEDICAL DEVICES INTO
 THE COURT FOR THE OCTOBER 15, 2008
 MARKMAN HEARING**

AND RELATED COUNTERCLAIMS.

Having considered Plaintiffs Hologic, Inc., Cytac Corporation, and Hologic L.P.'s request for permission to bring electronic equipment and exemplar medical devices into the courtroom for the hearing scheduled on October 15, 2008, at 2:00 p.m. before the Honorable Ronald M. Whyte,

☐ Order Granting Plaintiffs'
 Request to Bring Equipment Into Court
 Case No. C08 00133 RMW (RS)


1 IT IS HEREBY ORDERED that Plaintiffs Hologic, Inc., Cytac Corporation, and Hologic L.P.
2 may bring the following electronic equipment and exemplar medical devices into the Court on October
3 15, 2008 as follows:

- 4 1. 2 Hologic MammoSite Balloon Applicators;
- 5 2. 3 SenoRx Contura Multi-Lumen Balloon Applicators;
- 6 3. Fluid used to fill each balloon device;
- 7 4. 6 PDAs (Personal Digital Assistants);
- 8 5. 6 cell phones;
- 9 6. 4 computers;
- 10 7. Multimedia projector;
- 11 8. 2 speakers;
- 12 9. Amplifier;
- 13 10. 7 foot projection screen;
- 14 11. A/B switch box;
- 15 12. Laser pointer; and
- 16 13. Associated wires, cables, peripherals, extension cords, power strips, adapters, and tools
17 to install and connect the above equipment.

18 Plaintiffs Hologic, Inc., Cytac Corporation, and Hologic L.P.'s request is hereby GRANTED.
19 The equipment may be brought in and set up between 1 and 2 p.m. on October 15, 2008.

20 IT IS SO ORDERED.

21 Dated: October 14, 2008



Honorable Ronald M. Whyte
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.:
 COUNTY OF SAN MATEO)

I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within action. My business address is 1950 University Avenue, 4th Floor, East Palo Alto, California 94303.

On October 8, 2008, I served on the interested parties in said action the within:

**[PROPOSED] ORDER GRANTING PLAINTIFFS PERMISSION TO BRING
 ELECTRONIC EQUIPMENT AND EXEMPLAR MEDICAL DEVICES
 INTO THE COURT FOR THE OCTOBER 15, 2008 MARKMAN HEARING**

by placing a true copy thereof in a sealed envelope(s) addressed as stated below.

F.T. Alexandra Mahaney
 amahaney@wsgr.com
 Wilson Sonsini Goodrich & Rosati
 12235 El Camino Real, Suite 200
 San Diego, California 92130-3002
 Telephone: 858-350-2300
 Facsimile: 858-350-2399

Aaron P. Maurer
 amaurer@wc.com
 Adam D. Harber
 aharber@wc.com
 Bruce R. Genderson
 bgenderson@wc.com
 Williams & Connolly, LLP
 725 – 12th Street, N.W.
 Washington, D.C. 20005
 Telephone: 202-434-5000
 Facsimile: 202-434-5029

☒ (MAIL) I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

☐ (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Federal Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed as stated above, with fees for overnight delivery paid or provided for.

☐ (PERSONAL SERVICE) I delivered such envelope(s) by hand to the offices of addressee.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the submission, any electronic message or other indication that the transmission was unsuccessful.

☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case Management/Electronic File system with the U.S. District Court for the Northern District of California.

1
2 I declare under penalty of perjury under the laws of the State of California that the foregoing is
3 true and correct.

4 Executed on October 8, 2008, at East Palo Alto, California.

5 Tammy Miller
6 (Type or print name)

/s/ Tammy Miller
(Signature)